

1 THE HONORABLE THOMAS S. ZILLY
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
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10 HUNTERS CAPITAL, LLC, a Washington
11 limited liability company, HUNTERS
PROPERTY HOLDINGS, LLC, a
Washington limited liability company;
12 GREENUS BUILDING, INC., a
Washington corporation; NORTHWEST
13 LIQUOR AND WINE LLC, a Washington
limited liability company, SRJ
ENTERPRISES, d/b/a CAR TENDER, a
Washington corporation, THE RICHMARK
COMPANY d/b/a RICHMARK LABEL, a
Washington company, ONYX
16 HOMEOWNERS ASSOCIATION, a
Washington registered homeowners
association, MATTHEW PLOSZAJ, an
individual, WADE BILLER, an individual,
17 MADRONA REAL ESTATE SERVICES
LLC, a Washington limited liability
company, MADRONA REAL ESTATE
INVESTORS IV LLC, a Washington
limited liability company, MADRONA
18 REAL ESTATE INVESTORS VI LLC, a
Washington limited liability company, 12TH
AND PIKE ASSOCIATES LLC, a
Washington limited liability company,
22 REDSIDE PARTNERS LLC, a Washington
limited liability company, OLIVE ST
APARTMENTS LLC, a Washington limited
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Case No. 2:20-cv-00983-TSZ

DECLARATION OF TYLER WEAVER
IN SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION

Noted: February 18, 2022

25 DECLARATION OF TYLER WEAVER IN
SUPPORT OF PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION
(Case No. 2:20-cv-00983-TSZ) - 1

LAW OFFICES
CALFO EAKES LLP
1301 SECOND AVENUE, SUITE 2800
SEATTLE, WASHINGTON 98101
TEL, (206) 407-2200 FAX, (206) 407-2278

1 liability corporation, BERGMAN'S LOCK
2 AND KEY SERVICES LLC, a Washington
3 limited liability company, on behalf of
4 themselves and others similarly situated,
SHUFFLE LLC d/b/a CURE COCKTAIL, a
Washington limited liability company, and
SWAY AND CAKE LLC, a Washington
limited liability company,

5 Plaintiffs,

6 vs.

7 CITY OF SEATTLE,

8 Defendant.

10 I, Tyler Weaver, declare as follows:

11 1. I am an attorney with Calfo Eakes LLP and represent Plaintiffs in the above-
12 captioned action. I am over eighteen years of age and am competent to testify herein. I make the
13 following statements based on my personal knowledge.

14 2. My firm estimates that there are approximately 4,500 to 5,000 Class members. To
15 come to this number, we determined from United States Census data that approximately 4,000
16 people live in the Class Area. We also determined, based on anonymized tax data from the City,
17 that there are 300 or more businesses in the Class Area that pay sales tax. We also determined from
18 reviewing property-ownership records made public by King County that there are more than 600
19 property owners in the area.

20 3. I am not aware of any interest that Calfo Eakes LLP has that is contrary to any
21 member of the Class or Subclass.

1 4. I have worked as a plaintiff's class-action litigator for most of my career since
 2 entering private practice in 2001. From 2001 to 2017, I specialized in class-action litigation while
 3 a partner at Hagens Berman Sobol Shapiro LLP in Seattle. Among the dozens of cases I worked
 4 on while there was *Hickey v. City of Seattle*, 236 F.R.D. 659 (W.D. Wash. 2006), which was also
 5 a class action against the City of Seattle alleging constitutional claims arising from a protest setting.
 6 I now work at Calfo Eakes LLP, where we specialize in complex civil and criminal litigation, and
 7 have a team with deep trial experience, including veteran trial attorneys Angelo Calfo and Patty
 8 Eakes, who both work on this case with me along with other members of the firm. Our full firm
 9 description can be found www.calfoeakes.com. I lead the day-to-day litigation of this case for the
 10 Plaintiffs, and I am also currently working on behalf of a defendant in another class action.

11 5. Our firm has been vigorously prosecuting this case for well over a year now. We
 12 have requested, received, and reviewed tens of thousands of documents from the City of Seattle,
 13 served and pursued third-party subpoenas, and taken seven offensive depositions with several more
 14 scheduled. We have also collected and produced many thousands of pages of documents from our
 15 clients and have either defended all of them at deposition or will be doing so over the next two
 16 weeks.

17 6. Since we filed this case in late June 2020, our firm has received dozens of inquiries
 18 from members of the proposed Class who are interested in pursuing their own lawsuits against the
 19 City. Many of these Class members periodically check in with us to ask if they should file their
 20 own case, but I believe most or all of them are presently waiting to see what the outcome of our
 21 motion to certify before they make a final decision about whether to file their own lawsuit.

22 7. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiffs' Statement
 23 Common Issues.

1 8. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiffs' Proposed Trial
2 Plan.

3 9. Attached hereto as **Exhibit 3** is a true and correct copy of a Chart of Named
4 Plaintiffs that we have prepared for the Court's reference.

5 10. Attached hereto as **Exhibit 4** are true and correct copies of excerpts from the
6 Transcript of the Videotaped Deposition of Casey Sixkiller taken on October 12, 2021.

7 11. Attached hereto as **Exhibit 5** are true and correct copies of excerpts from the
8 Transcript of the Videotaped 30(b)(6) and Individual Deposition of City of Seattle (Samuel
9 Zimbabwe) taken on October 28, 2021.

10 12. Attached hereto as **Exhibit 6** are true and correct copies of excerpts from the
11 Transcript of the Videotaped Deposition of Carmen Best taken on November 9, 2021.

12 13. Attached hereto as **Exhibit 7** is a true and correct copy of City of Seattle, Mayor
13 Jenny A. Durkan's June 30, 2020, Executive Order (Bates stamped SEA_00045264 to
14 SEA_00045268).

15 14. Attached hereto as **Exhibit 8** are true and correct copies of excerpts from the
16 Transcript of the Videotaped 30(B)(6) and Individual Deposition of City of Seattle (Harold
17 Scoggins) taken on September 14, 2021.

18 15. Attached hereto as **Exhibit 9** are true and correct copies of excerpts from the
19 Transcript of the Videotaped 30(B)(6) and Individual Deposition of Mami Hara taken on October
20 4, 2021.

21 16. Attached hereto as **Exhibit 10** are true and correct copies of excerpts from the
22 Transcript of the Videotaped Deposition of Mayor Jenny A. Durkan taken on December 8, 2021.
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1 17. Attached hereto as **Exhibit 11** is a true and correct copy of an 11AM Update to Call
2 Notes dated 06-10-2020 (Bates stamped SEA_00028170 to SEA_00028172).

3 18. Attached hereto as **Exhibit 12** is a true and correct copy of an email from Hans
4 VanDusen to Mami Hara dated June 12, 2020 (Bates stamped SEA_00102780 to SEA_00102788).

5 19. Attached hereto as **Exhibit 13** is a true and correct copy of a 2PM Update to Call
6 Notes dated 6-10-20 (Bates stamped SEA_00028178 to SEA_00028179).

7 20. Attached hereto as **Exhibit 14** is a true and correct copy of an email from Lorelei
8 Williams to Sam Zimbabwe dated June 29, 2020 (Bates stamped SEA_00105259).

9 21. Attached hereto as **Exhibit 15** is a true and correct copy of an email from Thomas
10 Mahaffey to Carmen Best dated June 14, 2020 (Bates stamped SEA_0015760 to SEA_0015761).

11 22. Attached hereto as **Exhibit 16** are true and correct copies of excerpts from the
12 Transcript of the Videotaped Deposition of Matthew Ploszaj taken on June 10, 2021.

13 23. Attached hereto as **Exhibit 17** are true and correct copies of excerpts from the
14 Transcript of the Videotaped Deposition of Joseph Wanagel taken on May 21, 2021.

15 24. Attached hereto as **Exhibit 18** are true and correct copies of select pages of the
16 Seattle Police Department's Incident Action Plan dated June 29, 2020 (Bates stamped
17 SEA_00007766, SEA_00007769 and SEA_00007780).

18 25. Attached hereto as **Exhibit 19** is a true and correct copy of an email from Tyrone
19 Davis to multiple recipients dated June 16, 2020 (Bates stamped SEA_00022828 to
20 SEA_00022829).

21 26. Attached hereto as **Exhibit 20** is a true and correct copy of an email from James
22 Curtis to multiple recipients dated June 30, 2020 (Bates stamped SEA-PDR_002188 to SEA-
23 PDR_002190).

1 27. Attached hereto as **Exhibit 21** is a true and correct copy of a Seattle Fire
2 Department Incident Report, INCIDENT # F200058386, dated June 14, 2020 (Bates stamped
3 SEA-SFD_000046 to SEA-SFD_000047).

4 28. Attached hereto as **Exhibit 22** is a true and correct copy of an email from Ronald
5 Mondragon to multiple recipients dated June 20, 2020 (Bates stamped SEA_00091919).

6 29. Attached hereto as **Exhibit 23** is a true and correct copy of an email from Chad M.
7 Buechler to Mami Hara dated June 28, 2020 (Bates stamped SEA_00093002 to SEA_00093003).

8 30. Attached hereto as **Exhibit 24** is a true and correct copy of an email (with its
9 attachments) from Casey Sixkiller to multiple recipients dated June 9, 2020 (Bates stamped
10 SEA_00102554 to SEA_00102565).

11 31. Attached hereto as **Exhibit 25** is a true and correct copy of a letter from Mike Fong,
12 Senior Deputy Mayor, City of Seattle, to Jill Cronauer of Hunters Capital Real Estate, LLC and
13 Amy Nelson, The Riveter, LLC dated June 24, 2020 (Bates stamped CHOP-0000718 to CHOP-
14 0000719).

15 32. Attached hereto as **Exhibit 26** are true and correct copies of excerpts from the
16 Transcript of the Videotaped Zoom 30(b)(6) Deposition of Wade Biller – Onyx Homeowners
17 Association taken on December 10, 2021.

18 33. Attached hereto as **Exhibit 27** are true and correct copies of excerpts from the
19 Transcript of the Videotaped Zoom 30(b)(6) Deposition of Bill Donner – Richmark Label taken
20 on November 16, 2021.

21 34. Attached hereto as **Exhibit 28** is a true and correct copy of an email from Deanna
22 Nollette to multiple recipients dated June 30, 2020 (Bates stamped SEA_00036004 to
23 SEA_00036005).

1 35. Attached hereto as **Exhibit 29** is a true and correct copy of an email from Judy
2 Whitcomb to Adrian Diaz dated June 23, 2020 (Bates stamped SEA_00021697 to
3 SEA_00021699).

4 36. Attached hereto as **Exhibit 30** is a true and correct copy of an email from Michael
5 Oaksmith to Bobby Lee dated June 19, 2020 (Bates stamped (SEA_00045020 to SEA_00045021).

6 37. Attached hereto as **Exhibit 31** is a true and correct copy of an email from Alex
7 Harris to Jenny Durkan dated June 22, 2020 (Bates stamped SEA_00088102).

8 38. Attached hereto as **Exhibit 32** are true and correct copies of excerpts from the
9 Transcript of the Zoom Videotaped Deposition of Tamara Kilburn, Sway and Cake 30(b)(6) taken
10 on May 7, 2021.

11 39. Attached hereto as **Exhibit 33** are true and correct copies of excerpts from the
12 Transcript of the Zoom Videotaped Deposition of Sean Sheffer, Shuffle LLC 30(b)(6) taken on
13 May 18, 2021.

14 40. Attached hereto as **Exhibit 34** are true and correct copies of excerpts from the
15 Transcript of the Zoom 30(b)(6) Videotaped Deposition of Lonnie Thompson [Bergman's Lock
16 and Key Service, LLC] taken on May 4, 2021.

17 41. Attached hereto as **Exhibit 35** are true and correct copies of excerpts from the
18 Transcript of the Zoom Videotaped Deposition of Craig Swanson, 30(b)(6) Redside Partners LLC
19 taken on June 1, 2021.

20 42. Attached hereto as **Exhibit 36** is a true and correct copy of an email from Jenny
21 Durkan to Carmen Best and Harold D. Scoggins dated June 20, 2020 (Bates stamped
22 SEA_00125617).

43. Attached hereto as **Exhibit 37** is a true and correct copy of an email from Harold D. Scoggins to multiple recipients dated June 11, 2020 (Bates stamped SEA_00020291 to SEA_00020292).

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 13th day of January, 2022 at Bainbridge Island, Washington.

s/ Tyler Weaver

Tyler Weaver

DECLARATION OF TYLER WEAVER IN
SUPPORT OF PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION
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